

SENATE BILL NO. 217

INTRODUCED BY DE. BARRETT, ZINKE, BALES, RIPLEY, STEINBEISSER, LAIBLE, BRENDEN, LEWIS,
MURPHY, T. BROWN, BARKUS, BRUEGGEMAN, J. PETERSON, STAHL

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS
TO REIMBURSE LIVESTOCK PRODUCERS WHO ARE REQUIRED TO TEST LIVESTOCK FOR ~~DISEASES~~
BRUCELLOSIS THAT MAY BE TRANSMITTED BY ~~GAME ANIMALS~~ ELK DURING PERIODS WHEN ~~GAME~~
~~ANIMAL~~ ELK POPULATION OBJECTIVES ARE NOT MET IN COUNTIES WHERE LIVESTOCK ARE BEING
TESTED; AMENDING SECTION 87-1-323, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND
A TERMINATION DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 87-1-323, MCA, is amended to read:

**"87-1-323. Viable elk, deer, and antelope populations based on habitat acreage -- reduction of
populations as necessary -- reimbursement for livestock testing.** (1) Based on the habitat acreage that is
determined pursuant to 87-1-322, the commission shall determine the appropriate elk, deer, and antelope
numbers that can be viably sustained. The department shall consider the specific concerns of private landowners
when determining sustainable numbers pursuant to this section.

(2) Once the sustainable population numbers are determined as provided in subsection (1), the
department shall implement, through existing wildlife management programs, necessary actions with the objective
that the population of elk, deer, and antelope remains at or below the sustainable population. The programs may
include but are not limited to:

- (a) liberalized harvests;
- (b) game damage hunts;
- (c) landowner permits; or
- (d) animal relocation.

(3) The department shall:

(a) manage with the objective that populations of elk, deer, and antelope are at or below the sustainable
population number ~~by January 1, 2009~~; and

(b) evaluate the elk, deer, and antelope populations on an annual basis and provide that information to the public.

(4) During any period that the population objectives for ~~game animals, as defined in 87-2-101~~, ELK are not met IN COUNTIES WHERE LIVESTOCK ARE BEING TESTED, the department shall reimburse livestock producers who are required to test livestock for ~~diseases~~ BRUCELLOSIS that may be transmitted by ~~game animals~~ ELK for the actual cost of testing."

NEW SECTION. **SECTION 2. CONTINGENT VOIDNESS.** IF FUNDING FOR THE REIMBURSEMENTS TO LIVESTOCK PRODUCERS PROVIDED FOR IN 87-1-323(4) IS NOT INCLUDED IN HOUSE BILL NO. 645, THEN [THIS ACT] IS VOID.

NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

NEW SECTION. **SECTION 4. TERMINATION.** [THIS ACT] TERMINATES JUNE 30, 2012.

- END -